United Nations A/70/312

General Assembly

Distr.: General
12 August 2015

Original: English

Seventieth session
Item 55 of the provisional agenda*
Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The occupied Syrian Golan

Report of the Secretary-General

Summary

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 69/94, in which the Secretary-General was requested to report to the Assembly at its seventieth session on the implementation of the resolution.

* A/70/150.

15-13673 (E) 010915

Please recycle

1. The present report is submitted pursuant to General Assembly resolution 69/94, in which the Assembly called upon Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision. The Assembly repeated its call upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the resolution and requested the Secretary-General to report to the Assembly at its seventieth session on the implementation of resolution 69/94.

2. On 19 May 2015, the Office of the United Nations High Commissioner for Human Rights (OHCHR), on behalf of the Secretary-General, addressed a note verbale to the Government of Israel, in which Israel was asked to provide information on any steps it had taken or envisaged taking concerning the implementation of the relevant provisions of the aforementioned resolution. At the time of reporting, no reply had been received.

3. Also on 19 May, OHCHR, on behalf of the Secretary-General, sent a note verbale to the Permanent Mission of the Syrian Arab Republic and all other permanent missions to the United Nations in Geneva, asking Member States to provide information on any steps they had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution. In addition to the response from the Permanent Mission of the Syrian Arab Republic, replies were received from the Permanent Missions of Brazil and Cuba to the United Nations in Geneva.

4. In its note verbale dated 12 May 2015,[1] the Syrian Arab Republic mentioned that, since 1967, the international community had rejected the Israeli occupation of the Syrian Golan, as reflected in several United Nations resolutions, most recently in General Assembly resolution 69/25. In that resolution, the Assembly demanded that Israel withdraw from all the occupied Golan to the line of 4 June 1967. In addition, in resolution 69/94, the Assembly called upon Israel, the occupying Power, to comply with the United Nations resolutions relating to the Syrian Golan, particularly Security Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null, void and completely illegitimate, and demanded that Israel rescind its decision forthwith.

5. The Syrian Arab Republic recalled that after 47 years of occupation, Israel continued its practices with impunity and disregard for international law and United Nations resolutions, despite repeated international calls to end the occupation and to halt its daily repressive practices in the occupied Syrian Golan.

6. The Syrian Arab Republic stated that Israel had provided logistical support to "terrorist groups" after the withdrawal of United Nations Disengagement Observer Force (UNDOF) forces from their positions. The Syrian Arab Republic condemned

[1] The Syrian Arab Republic provided its submission, as a State concerned, before the note verbale was sent by the Office of the United Nations High Commissioner for Human Rights to the States concerned, namely, the Syrian Arab Republic and Israel, as well as all other Member States on 19 May.

such acts of aggression as a flagrant and dangerous violation of international law and of the separation of forces agreement.

7. The Syrian Arab Republic condemned the Israeli settlement policy in the occupied Syrian Golan, noting that Israel continued to disregard the resolutions of the Security Council, the General Assembly and the Human Rights Council on the matter, most recently General Assembly resolution 69/92, by which the Assembly emphasized the illegality of the settlements and other Israeli activities in the occupied Syrian Golan, and reiterated its call upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and to stop the establishment of settlements.

8. The Syrian Arab Republic condemned Israeli practices and conduct aimed at controlling and looting resources in the occupied Syrian Golan, in violation of Security Council resolution 497 (1981) and General Assembly resolution 69/241. According to the Syrian Arab Republic, Israel has exploited the natural resources of the occupied Syrian Golan and allowed settlers to exclusively use those resources, while depriving the Syrian population of their benefits.

9. As in previous notes verbales, the Syrian Arab Republic reiterated its concerns regarding the extraction of water by Israel from Lake Masada in 2010 to establish a farm for settlers. In addition, the Syrian Arab Republic stated that Israel had bulldozed land and carried out logging adjacent to the ceasefire line in the occupied Syrian Golan. It considered that action to be a violation of the Fourth Geneva Convention of 1949 and added that it had led to an economic and environmental disaster, allegedly resulting in material losses estimated at $20 million.

10. The Syrian Arab Republic stated that Israeli occupation forces had confiscated thousands of hectares of land in the occupied Golan, onto which settlers had moved. The alleged aim of this "farm project" is to build 750 farms, on which 90 Israeli families are expected to settle over the course of 2015. The Syrian Arab Republic stated that Israel's strategy was to bring in 150 new families each year, until a total of 750 families had moved onto the land. It also stated that Israel had begun experimental drilling for oil exploration. According to the note verbale, this is currently being carried out by the Israeli oil exploration company AVIC near the so-called nature settlement; the company has completed drilling in the first test drilling site and will work on the second well in the coming month.

11. Furthermore, the Syrian Arab Republic condemned the funding by the European Union of a survey aimed at promoting alternative tourism in the Israeli settlements in the occupied Syrian Golan. It claims that this action is a clear violation of the Security Council and General Assembly resolutions, including resolution 69/94.

12. The Syrian Arab Republic called upon Member States to refuse, in accordance with their obligations under international law, the importation of natural products from the occupied territories and to remind Israel of its obligations under international law. In that context, the Syrian Arab Republic referred to reports on settlers exporting wine produced in the occupied territory to the European Union while illegally labelling it as an Israeli product.

13. It is alleged by the Syrian Arab Republic that Israeli troops detained Sedky el-Makt on 25 February 2015, after previously releasing him in 2012. In addition, on 2 May 2015, Israeli troops detained Sheikh Atef Darwesh from occupied Bokaata

village and Fedaa Magued Elshaer from occupied Magdal Shams village. The Government of the Syrian Arab Republic affirms that the policy of arbitrary detention and unfair trials constitutes crimes and human rights violations by Israel against Syrian civilians living for over five decades in the occupied Syrian Golan.

14. The Syrian Arab Republic reiterated its request to the Secretary-General, the United Nations High Commissioner for Human Rights, the President of the Human Rights Council and the President of the International Committee of the Red Cross that they pressure Israel to ensure that Syrian prisoners detained in its jails are kept in more humane and healthy conditions and to condemn inhumane conditions and the deprivation of visitation rights.

15. As in previous notes verbales, the Syrian Arab Republic called for international pressure on Israel to allow the Syrian population of the occupied Syrian Golan to visit their families in the Syrian Arab Republic through the Quneitra crossing. The Syrian Arab Republic noted that preventing such visits was in violation of the Geneva Conventions and customary international humanitarian law and led to the suffering of Syrians in the occupied Syrian Golan. The Syrian Arab Republic noted that the suffering of the Syrians in the occupied Syrian Golan had worsened since the Al-Nusra Front terrorist group gained control of the Quneitra crossing, which it claims has support from the Israeli occupation troops. The Syrian Arab Republic claims that this has resulted in preventing students from the occupied Syrian Golan to cross to their homeland in the Syrian Arab Republic to follow up on their university studies.

16. The Syrian Arab Republic affirmed that the achievement of a fair and comprehensive peace in the Middle East would require the implementation of United Nations resolutions aimed at ending the Israeli occupation of the Syrian Golan and other Arab territories. It stated that President Bashar al-Assad had shown, on several occasions, his willingness to resume peace negotiations on the same basis upon which the Madrid peace process was started in 1991. It further noted that in international forums, the Syrian Arab Republic had declared its full commitment to relevant international resolutions and had called for their implementation, in particular Security Council resolutions 242 (1967), 338 (1973) and 497 (1981). The Syrian Arab Republic also called for the implementation of the principle of land for peace, in order to ensure the full withdrawal by Israel from all of the occupied Syrian Golan to the line of 4 June 1967.

17. The Syrian Arab Republic concluded by stating that reaching sustainable peace and stability in the Middle East would require measures to ensure the enforcement of all relevant international resolutions, including the Geneva Conventions, without discrimination or selectivity.

18. On 10 June 2015, the Permanent Mission of Brazil to the United Nations Office and other international organizations in Geneva sent a note verbale stating that, in accordance with resolution 69/94, Brazil has systematically recalled, in all relevant forums, the illegality, according to international law, of Israel's occupation of the State of Palestine and other Arab territories, including the Syrian Golan. Brazil also recalled the responsibility of Israel, as the occupying Power, to comply with all relevant international obligations and, in particular, the Fourth Geneva Convention, article 49 (6) of which, prohibits the occupying power from deporting or transferring parts of its own civilian population to the territory it occupies.

19. Furthermore, Brazil recalled Legislative Decree No. 936 of 17 December 2009 by which the Brazilian Federal Parliament adopted the Free Trade Agreement between the Common Market of the South (MERCOSUR) and Israel signed in Montevideo on 18 December 2007. According to Brazil, it is stated in article 2 of the Decree that the Free Trade Agreement had been approved on the understanding that Brazil would negotiate, within the joint committee established in chapter IX of the Agreement, the exclusion, from its scope of implementation, of all goods whose certificates of origin indicated that they proceeded from territories placed under the administration of Israel after 1967.

20. In its response dated 25 May 2015, the Permanent Mission of Cuba to the United Nations in Geneva repeated its demands for the international community to call upon Israel to withdraw from the occupied Syrian Golan. Cuba reiterated that Israel continued to occupy the territory with total impunity, in flagrant violation of international law and United Nations resolutions. Cuba stated that the illegal decision adopted by Israel on 14 December 1981 to amend the legal status, physical nature and geographic composition of the occupied Syrian Golan, as well as its institutional structure, and the Israeli measures to implement its jurisdiction and its administration in this zone, were null, void and without jurisdiction.

21. Cuba also reaffirmed that all measures and actions by Israel through which it sought to impose its legislation, jurisdiction and administration in the occupied Syrian Golan, including the illegal activities of construction and expansion of Israeli settlements in the occupied territory since 1967, were a flagrant violation of international law, international conventions and the Charter and resolutions of the United Nations, in particular Security Council resolution 497 (1981) and the Fourth Geneva Convention of 1949.

22. Cuba condemned the settlement policies enacted by the Government of Israel in the occupied Syrian Golan, ignoring international law, international conventions, the Charter and the resolutions of the United Nations. It called upon Israel to immediately cease the expansion of illegal settlements where Israeli settlers enjoy disproportionate benefits, especially in terms of water and agricultural resources. According to Cuba, the situation regarding the settlements must be reversed.

23. At the same time, Cuba rejected the policies and practices aimed at the illegal exploitation of natural resources in the occupied Syrian Golan, including oil exploration, in contravention of the principle that establishes the permanent sovereignty of peoples under occupation over their natural resources.

24. Cuba called upon Israel to fully withdraw from the occupied Syrian Golan, to the line of 4 June 1967, in compliance with Security Council resolutions 242 (1967) and 338 (1973), and to give up its unbridled attempts to annex the Golan from the Syrian Arab Republic. Cuba reiterated the fundamental principle that the acquisition of territory by force is inadmissible under international law and the Charter of the United Nations, and that it is unacceptable that the occupied Syrian Golan has been under Israeli military occupation since 1967.

25. Cuba strongly condemned the brutal Israeli practices in prisons created during the occupation. It reiterated its serious concern about the inhuman conditions of Syrian detainees from the occupied Syrian Golan, leading to the deterioration of their physical health and putting their lives in danger, in flagrant violation of international humanitarian law. Cuba demanded that Israel immediately comply

with the Fourth Geneva Convention of 1949, which applies to the situation of Syrian detainees in the occupied Syrian Golan.

26. Cuba called upon the States Members of the United Nations not to recognize any of the measures or legislative or administrative actions adopted by Israel referred to in General Assembly resolution 69/94.

27. Cuba stated that the Movement of Non-Aligned Countries reaffirmed its unconditional support and solidarity with the just demands and rights of the Syrian Arab Republic to restore full sovereignty in the occupied Syrian Golan, based on the mandate of the Arab Peace Initiative, the Madrid peace process and the principle of land for peace and in accordance with the relevant Security Council resolutions.

28. Cuba underscored that the continued occupation of the Syrian Golan and its de facto annexation constitute a threat to peace and security in the region.